IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 24897 of 2007(L)

AGAINST THE ORDER IN IA 7769 2007 IN
OS.2141/2007 of PRL.MUNSIFF COURT,THRISSUR

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PETITIONERS

1.M/S.CATHOLIC SYRIAN BANK LTD., THRISSUR REP. BY ITS CHARIMAND R. VENKATARAMAN, CATHOLIC SYRIAN BANK LTD., ST.MARY'S COLLEGE ROAD, THRISSUR.

2. R. VENKITARAMAN, CHAIRMAN, CATHOLIC SYRIAN BANK LTD., ST. MARY'S COLLEGE ROAD, THRISSUR.

3. K.P.MOHANAKUMAR, COMPANY SECRETARY, CATHOLIC SYRIAN BANK LTD., ST.MARY'S COLLEGE ROAD, THRISSUR.

BY ADV. SRI.P.SANTHALINGAM
SRI.A.D.SHAJAN
SRI.P.B.AJOY

RESPONDENT:

V.O.JOHN, S/O.V.K.OUSEPH, VAZHAPPARAMBAN HOUSE, KONIKKARA P.O., THRIKKUR VILLAGE, THRISSUR DISTRICT.

BY ADV.SRI.K.P.DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.9C) No.24897 OF 2007

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Dated this the 17th day of August 2007

JUDGMENT

This writ petition is filed challenging the interim order of injunction dated 13.8.2007 issued by the Munsiff's Court, Thrissur in I.A.No.7769 of 2007 in O.S.No.2141 of 2007. The matter relates to issue of shares and the learned counsel for the petitioners submits that (1) the civil court has no jurisdiction and (2) since the Company Law Board has already passed an order, any party aggrieved has to challenge it by way of the remedy provided under the Companies Act. The learned counsel for the respondent opposes the application contending that an order of temporary injunction passed ex parte cannot be decided in a petition under Article 227 of the Constitution of India when there is specific statutory remedies provided under Order 43 of the Code of Civil Procedure and Order 39 Rule 4 of the C.P.C. It is also contended that the jurisdictional aspect as contended by the learned counsel for the petitioners is not correct. These are all matters which require consideration at the hands of the court where the matter is pending.

2. Since the urgency is pleaded by the writ petitioners and the other side is prepared to go on with the case, even for tomorrow, i.e. on 18.8.2007, I feel it is desirable that a direction is given to the Munsiff's Court, Thrissur to consider I.A.No.7769 of 2007 by advancing the case to 18.8.2007, hear both parties and dispose it of in accordance with law.

3. The Registry is directed to intimate the District Judge over phone to communicate the Munsiff about the order passed by this court today. I make it very clear that both parties are at liberty to raise their contentions and the matter be heard and finally disposed of.

With the above direction, writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-